



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 16, 2009

Date of Meeting: March 24, 2009

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:37 p.m., on Tuesday, March 24, 2009, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

Regina Romero
Rodney Glassman
Karin Uhlich
Shirley C. Scott
Nina J. Trasoff
Robert E. Walkup

Council Member Ward 1
Council Member Ward 2
Vice Mayor, Council Member Ward 3
Council Member Ward 4
Council Member Ward 6
Mayor

Absent/Excused:

Steve Leal

Council Member Ward 5

Staff Members Present:

Mike Hein
Michael Rankin
Roger W. Randolph
Mike Letcher

City Manager
City Attorney
City Clerk
Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Captain Wayne Jackson, Tucson Fire Department, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup presented the Tucson Rodeo Parade Chairman's Award to the El Pueblo Senior Center. Members of the El Pueblo Senior Center accepted the award.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 143, dated March 24, 2009, was received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member Romero announced March 28, 2009 was the Annual César E. Chávez March starting at Pueblo High School and ending at Rudy Garcia Park followed by a rally with music, food and refreshments.
- b. Council Member Glassman announced the Ward 2 Office would hold a Rainwater Harvesting Town Hall on March 25, 2009 with a presentation by Brad Lancaster.

Council Member Glassman also announced Ward 2 was sponsoring a downtown walking tour of the El Presidio Historic Trail on March 28, 2009.

- c. Vice Mayor Uhlich spoke about the free Income Tax Assistance Program for tax preparation and the Earned Income Tax Credit for low and moderate income earners. She thanked Sun Tran for posting information on the program in its buses.
- d. Council Member Scott announced the "At Bat for Habitat" softball tournament and fundraiser for Habitat for Humanity on April 25, 2009 at the Golf Links Sports Complex, sponsored by the Tucson Association of Realtors.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 144, dated March 24, 2009, was received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 145, dated March 24, 2009, was received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License(s)

1. Goodfellas Italian Bistro, Ward 6
944 E. University Blvd.
Applicant: Willard F. Aronow
Series 12, City 5-09
Action must be taken by: April 4, 2009

Staff has indicated the applicant is in compliance with city requirements.

c. Special Event(s)

1. La Frontera Tucson International Mariachi Conference, Inc., Ward 6
900 S. Randolph Way
Applicant: Alfonso Dancil
City T7-09
Date of Event: April 25, 2009
(To raise funds for La Frontera Center, Inc.)

Staff has indicated the applicant is in compliance with city requirements.

2. St. Michael's Parish Day School, Ward 2
602 N. Wilmot Rd.
Applicant: Barry Bedrick
City T12-09
Date of Event: April 18, 2009
(School fundraiser auction)

Staff has indicated the applicant is in compliance with city requirements.

3. Comite de Festividades Mexicanas, Ward 1
3700 S. La Cholla Blvd.
Applicant: Mercedes M. Guerrero
City T13-09
Date of Event: May 2, 2009 - May 3, 2009
(To celebrate 5 de Mayo)

Staff has indicated the applicant is in compliance with city requirements.

4. YWCA - Tucson, Ward 1
140 N. Main Ave.
Applicant: Sonia Amanda Santa Cruz
City T15-09
Date of Event: May 8, 2009
(Fundraiser for the YWCA)

Staff has indicated the applicant is in compliance with city requirements.

5. ArtSake Foundation, Ward 6
Fifth Ave. and Congress St.
Applicant: Jeb Bley Schoonover
City T18-09
Date of Event: April 18, 2009
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

6. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Alison L. Sylvester
City T19-09
Date of Event: April 3, 2009 - April 4, 2009
(Museum fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

7. Fiesta Grande of Hollywood, Inc., Ward 1
Grande Ave. between Speedway & St. Mary's Rd.
Applicant: Erica M. Dahl-Bredine
City T24-09
Date of Event: April 18, 2009 - April 19, 2009
(Neighborhood Street fair to build community and raise scholarship funds)

Staff has indicated the applicant is in compliance with city requirements.

8. St. Demetrios Greek Orthodox Church, Ward 3
1145 E. Ft. Lowell Rd.
Applicant: George A. Makris
City T26-09
Date of Event: April 19, 2009
(Easter picnic)

Staff has indicated the applicant is in compliance with city requirements.

- d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no agent change(s) scheduled for this meeting.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused), to forward liquor license applications 5b1 and 5c1 through 5c8 to the Arizona State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

- a. Mia Hansen spoke about Tucson's arts and culture infrastructure. She introduced Eric Hollis who gave a poetry recitation.
- b. Tim McCabe, President of the Arizona Food Marketing Alliance, spoke in support of the ordinance for plastic bag recycling.
- c. Trish Hart, Arizona Food Marketing Alliance, thanked staff and Council Members for their support and efforts with regard to the plastic bag recycling ordinance. She said it had been a true collaboration between the City and the food retailers.
- d. Benny Nañez, Tucson Water employee, spoke about reconsidering the City Manager's decision regarding employee layoffs and furloughs. He said the implementation would not only cause great financial hardships, but affect the services City employees provide.
- e. David Quist, Ameripsych Foster Care, spoke about foster care subsidies and community business discounts to foster parents. He announced there would be a Blue Ribbon event honoring foster care children and foster parents on May 2, 2009 at Thoroughbred Nissan.

- f. Dave Croteau remarked on the study of impact fees on growth, stimulating the economy and his proposal addressing retrofitting, insulating and upgrading Tucson's energy deficient tract houses from the 1940's.
- g. Bishop Chicago addressed the issue of uniting against the use of crack cocaine.
- h. Gil Fimbres spoke on behalf of the recently formed coalition, Friends of Tucson's Birthplace, with the goal of refocusing Rio Nuevo to the specifics cited in Proposition 400, passed in 1999, regarding Tucson's historical monuments.
- i. Daniel Pfeifer, Tucson Water employee, said he saw water operations, maintenance and service deteriorate. He spoke in opposition to proposed furloughs imposed as a result of City mismanagement.
- j. Connie Ann Transue, Tucson Federation of Teachers Local 4274, said she wanted to lend advocacy to the Jobs with Justice coalition to support workers and their families.
- k. Margie Rodriguez addressed the issue of residential rental tax. She asked that the tax not be imposed on the Tucson community as more citizens would become homeless as a result.
- l. Steve Valencia, Jobs with Justice, said the City workers came first and should not have to bear the burden of the City's budget deficits. He added that there should be more public disclosure regarding the future City budget.

Council Member Glassman interjected with a clarification for the City Manager. He said a few weeks ago, Mayor and Council directed the Human Resources Director to work with all four labor unions to come up with ideas before Mayor and Council was asked to consider any furloughs or layoffs.

Mike Hein, City Manager, said those discussions were currently under way.

Council Member Glassman added that Council Member Romero asked for a public hearing on a future date for public participation in the budgeting process. He asked if the unions would be notified of the date so their members could participate.

Mike Hein, City Manager, said the City Clerk's Office would notify the general public. He said he was quite certain the labor groups would be attentive to that public hearing.

- m. Joe Sweeney said he wanted clarification on the figure of thirty-six thousand dollars Vice Mayor Uhlich had given as the annual income for an average family in Tucson. He also spoke on the subject of illegal immigration.

Michael Rankin, City Attorney, told Mr. Sweeney that Mayor and Council could not respond to his request for clarification.

7. CONSENT AGENDA – ITEMS A THROUGH O

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

A. FINAL PLAT: (S06-217) SANDPEBBLE CONDOMINIUMS, UNITS 1 TO 64, COMMON ELEMENTS AND LIMITED COMMON ELEMENTS “A” TO “C”

1. Report from City Manager MAR24-09-149 WARD 3
2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

B. FINAL PLAT: (S08-112) “THE FLATS AT JULIAN DREW BLOCK”, A CONDOMINIUM CONVERSION PROJECT, CONDOMINIUM UNITS 101 TO 118, 201 TO 220, AND 301 TO 315, COMMON ELEMENTS “1-A” TO “1-C”, “1-D” TO “3-D” AND “1-E” TO “2-E”

1. Report from City Manager MAR24-09-150 WARD 6
2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

C. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE HIGHLAND VISTA/CINCO VIA NEIGHBORHOOD REINVESTMENT PROJECT

1. Report from City Manager MAR24-09-148 WARD 6
2. Resolution No. 21244 relating to Intergovernmental Agreements; authorizing and approving the execution of Amendment No. 1 to the Intergovernmental Agreement between Pima County and the City of Tucson for the Highland Vista/Cinco Via Neighborhood Reinvestment Project; and declaring an emergency.

D. BOARDS, COMMITTEES AND COMMISSIONS: CREATING THE SILVERBELL ROAD CORRIDOR TASK FORCE

1. Report from City Manager MAR24-09-154 WARD 1 AND OUTSIDE CITY

2. Resolution No. 21245 relating to Boards and Commissions; creating the Silverbell Road Task Force; and declaring an emergency.
- E. BOARDS, COMMITTEES AND COMMISSIONS: APPOINTMENTS TO THE CITY/COUNTY WATER AND WASTEWATER STUDY OVERSIGHT COMMITTEE
1. Report from City Manager MAR24-09-157 CITY-WIDE AND OUTSIDE CITY
 2. Resolution No. 21246 relating to boards and commissions; naming Sean Sullivan to replace Daniel J. Sullivan as one of the Citizens' Water Advisory Committee's representatives on the City/County Water and Wastewater Study Oversight Committee; naming Thomas Saylor Brown to replace Sean Sullivan as one of the Planning Commission's representatives on the City/County Water and Wastewater Study Oversight Committee; amending Section 3 of Resolution No. 20927; and declaring an emergency.
- F. GRANT APPLICATION: TO THE FEDERAL TRANSIT ADMINISTRATION FOR A BUS AND BUS-RELATED FACILITIES GRANT
1. Report from City Manager MAR24-09-158 CITY-WIDE
 2. Resolution No. 21248 relating to Transportation; authorizing and approving the execution of a Federal Transit Administration (FTA) Section 5309 Bus and Bus-Related Facilities Grant Application for Federal Fiscal Year 2009, Grant AZ-04-0009 in the amount of \$3,980,000; and declaring an emergency.
- G. AGREEMENT: ADDENDUM TO THE SOILS PARTICIPATION AGREEMENT FOR PRELIMINARY INVESTIGATION AT TUCSON INTERNATIONAL AIRPORT
1. Report from City Manager MAR24-09-147 OUTSIDE CITY
 2. Resolution No. 21249 relating to authorization of the City Manager to sign an Addendum to an agreement arranging for preliminary investigation of possible dioxane contamination in the soil and shallow groundwater at Tucson International Airport; and declaring an emergency.
- H. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE ARTHRITIS FOUNDATION FOR LIFE IMPROVEMENT SERIES CERTIFICATION CLASSES
1. Report from City Manager MAR24-09-160 MAYOR
 2. Resolution No. 21250 relating to Finance; approving and authorizing the allocation of Five Hundred Dollars (\$500) from the Mayor's Office Community Support Fund, Account No. 001-183-1898-268, to the Arthritis Foundation to help support funding the Arthritis Foundation Life Improvement Series (LIS) certification classes; and declaring an emergency.

This is a request by Mayor Walkup. Allocation of funds is as follows:
Mayor Walkup - \$500.00

I. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE SOUTHSIDE NEIGHBORHOOD ASSOCIATION PRESIDENTIAL PARTNERSHIP FOR A TOWN HALL MEETING

1. Report from City Manager MAR24-09-161 MAYOR
2. Resolution No. 21251 relating to Finance; approving and authorizing the allocation of Two Hundred Fifty Dollars (\$250) from the Mayor's Office Community Support Fund, Account No. 001-183-1898-268, to the Southside Neighborhood Association Presidential Partnership (SNAPP) to help support funding their town hall meeting scheduled on March 19, 2009 at the El Pueblo Neighborhood Senior Center; and declaring an emergency.

This is a request by Mayor Walkup. Allocation of funds is as follows:
Mayor Walkup - \$250.00

J. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS AND PARTICIPATING JURISDICTIONS FOR MUTUAL AID

1. Report from City Manager MAR24-09-159 CITY-WIDE
2. Resolution No. 21252 relating to Intergovernmental Agreements; authorizing and approving the City of Tucson's execution of the Arizona Mutual Aid Compact, a multiparty intergovernmental agreement between the Arizona Department of Emergency and Military Affairs and participating counties, cities, towns, tribal governments, and fire districts statewide; and declaring an emergency.

K. REAL PROPERTY: RIGHT OF WAY USE LICENSE WITH NEXTG NETWORKS FOR A WIRELESS ANTENNAE AND FIBER OPTIC FACILITIES

1. Report from City Manager MAR24-09-155 WARDS 2 AND 3
2. Ordinance No. 10645 relating to transportation; authorizing and approving the Right of Way Use License with NextG Networks for Wireless Antennae and Fiber Optic Facilities in certain City rights of way; and declaring an emergency.

L. APPROVAL OF MINUTES

1. Report from City Manager MAR24-09-167 CITY-WIDE

2. Approval of minutes for the regular meeting of the Mayor and Council held on January 6, 2009.

M. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY RELATING TO THE TUCSON MODERN STREET CAR PROJECT AND REPEALING RESOLUTION 21181

1. Report from City Manager MAR24-09-166 WARDS 1, 3, AND 6
2. Resolution No. 21253 relating to Transportation: repealing Resolution No. 21181, adopted by the Mayor and Council on December 16, 2008; authorizing and approving Amendment No. 1 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority to fund the design and construction of the Tucson Modern Streetcar Project; and declaring an emergency.

This Item was considered separately at the request of Council Member Romero.

N. ZONING: DESIGNATING PREVIOUSLY APPROVED AND UNEXPIRED DEVELOPMENT PLANS AND PLATS AS PROTECTED DEVELOPMENT RIGHT PLANS

1. Report from City Manager MAR24-09-169 CITY-WIDE
2. Resolution No. 21254 relating to zoning: designating previously approved and unexpired development plans and plats as protected development right plans; and declaring an emergency.

O. DEVELOPMENT AGREEMENT AMENDMENT: WITH 5151 EAST, LLC AND TUCSON RETAIL, LLC FOR DEVELOPMENT OF THE "SINCLAIR" PARCEL AT 36TH STREET AND KINO PARKWAY

1. Report from City Manager MAR24-09-168 WARD 5
2. Resolution No. 21256 relating to development; approving and authoring the execution of a Second Amendment to the Development Agreement between the City of Tucson, 5151 East, LLC, and Tucson Retail, LLC for the Development of the "Sinclair" Parcel; and declaring an emergency.

It was moved by Council Member Trasoff, duly seconded, that Consent Agenda Items A through O, with the exception of Item M, which would be considered separately, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Consent Agenda Items A through O, with the exception of Item M, which would be considered separately, were declared passed and adopted by a roll call vote of 6 to 0.

7. CONSENT AGENDA – ITEM M

M. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY RELATING TO THE TUCSON MODERN STREET CAR PROJECT AND REPEALING RESOLUTION 21181

1. Report from City Manager MAR24-09-166 WARDS 1, 3, AND 6
2. Resolution No. 21253 relating to Transportation: repealing Resolution No. 21181, adopted by the Mayor and Council on December 16, 2008; authorizing and approving Amendment No. 1 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority to fund the design and construction of the Tucson Modern Streetcar Project; and declaring an emergency.

Roger W. Randolph, City Clerk, announced this item was being considered separately at the request of Council Member Romero.

Council Member Romero said this particular item was pulled from the Consent Agenda for the purpose of receiving more detail from the Director of Transportation. She said when she saw the amendment was for sixty-seven million dollars, she wanted additional background and detail on the item.

Jim Glock, Department of Transportation Director, said this amendment merely lined up the Intergovernmental Agreement that Mayor and Council had previously approved for the same dollar amount in December 2008, with what was known as the Regional Transportation Improvement Program. That previous Intergovernmental Agreement had not lined up the federal dollars with the local dollars and the year the planned expenditures were going to occur. To briefly update the status of the project, Mr. Glock said, as the Mayor reported in December 2008, permission was received to enter into preliminary design from the Federal Transit Administration (FTA).

Mr. Glock added, since that time, the City had actually completed and received a finding, from the FTA and the Environmental Protection Agency, of no significant

impact for the environmental assessment. On March 20, 2009, Leslie Rogers, Region Nine San Francisco FTA administrator, was in Tucson with his program management oversight consultants to review the City's technical capacity to build and operate this particular system. Mr. Glock said every question they asked was answered with confidence. He added there was no doubt the City could build and operate this system and he looked forward to getting FTA permission to enter into final design which he hoped would be received in a matter of months.

Council Member Romero asked if the sixty-seven million dollar amendment was for design and construction or part construction.

Mr. Glock said the sixty-nine million dollar amendment for Regional Transportation Authority (RTA) commitment was to be matched by federal dollars. There were two courses being pursued: one was securing the funding, the other was securing the procedural and administrative approvals to move the project forward. He added the City was on good track in both cases.

It was moved by Council Member Romero, duly seconded, that Consent Agenda Item M be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Consent Agenda Item M was declared passed and adopted by a roll call vote of 6 to 0.

8. PUBLIC HEARING: *RAYTHEON ANNEXATION DISTRICT*

Mayor Walkup announced City Manager's communication number 165, dated March 24, 2009, was received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on the proposed Raytheon Annexation District. He said the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Sam Willis said he was representing James Watson, the business representative of the local International Association of Machinists & Aerospace Workers (IAMAW) Lodge 933, and was the chief steward of the firefighters for the same lodge. He said the

members of his Lodge had served the community for over fifty-seven years since 1952. It supported jobs for the country's national defense, from the assembly workers to the soldiers who served their country at home and abroad. Its members had faithfully served the vital interests of the community and the United States. The Lodge's firefighters protect some of the highest paying jobs and facilities in Arizona. He said he was not sure how the annexation would affect the proud members of Lodge 933.

Mr. Willis asked for some assurance and wanted the record to show the Lodge would openly support the annexation, however, with the provision that there be no lost jobs to local Lodge 933 members as a result. In the current uncertain economic climate, this was of great concern to the Lodge's members. Many of the families of the members were young and trying to make their way in an uncertain environment and served a vital role for the community. The members wished to extend a handshake to Mayor and Council and partner with them in securing and maintaining their jobs. He added these were the best aerospace workers the world had to offer; ones who protected the country's freedoms and allowed citizens to assemble just like that evening. Mr. Willis wanted to know if there was any way to protect the jobs of the firefighters at Raytheon.

Michael Rankin, City Attorney, said a reply to Mr. Willis' query could be given at that time or at the end of any other public questions.

Council Member Trasoff said the assurance should be given to Mr. Willis as this was a matter of concern for all of the Council Members who had spoken about this with staff, and they wanted guarantees as well. The Council Members wanted to be assured that with this annexation, the jobs of the firefighter members of Lodge 933 would be protected.

Mr. Rankin said if Mayor and Council so chose at the meeting, direction could be given to the City Attorney's Office to include this assurance regarding the fire service at the facility when entering into negotiations with Raytheon.

Council Member Trasoff said it was her understanding during her preliminary conversations on this subject that this was already part of the agreement; the firefighters would not be supplanted by Tucson Fire Department (TFD), but instead the two great departments would be able to work together as needed.

Mr. Rankin said that was a fair assessment. He said at no time had there been a proposal in their negotiations under which the fire services provided to Raytheon would be taken over or supplanted by the City.

Mr. Willis thanked Mayor and Council and its service to the community.

Steve Taylor said he was the business representative for the machinists of IAMAW, speaking on behalf of members of the bargaining unit. He said consideration should be given to the firefighters and to the ordinance aspect of the jobs they

represented, and asked that there be no impact to the bargaining unit they represented at Raytheon.

Mayor Walkup asked if there were any additional speakers. There were none.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused) to close the public hearing.

Mayor Walkup recognized Vice Mayor Uhlich.

It was moved by Vice Mayor Uhlich, duly seconded, to direct staff to proceed with the Raytheon Annexation District, and to include assurances to Local Lodge #933 that their jobs would not be replaced by TFD.

Mayor Walkup asked if there was any discussion.

Council Member Trasoff said another thing which came to light as part of this deal was that half of the tax benefits would go into a pool of money used for mutually agreed upon improvements. Although this was good planning, she wanted to know who would get the unexpended funds at the end of the ten year period.

Mr. Rankin said it was correct that ultimately, as this annexation effort went forward, either when bringing back the ordinance for adoption or before that, an amendment would be brought to the pre-annexation development agreement setting out all those terms. That continued to be a work in progress; the final terms about what would happen with those funds would be plainly laid out in the agreement to be reviewed and either approved or rejected by Mayor and Council.

Council Member Trasoff said it was her personal hope that if those funds were unexpended, they should devolve to the City as they would be City tax dollars.

Mr. Rankin said there would be the opportunity to make the decision on the agreement prior to Mayor and Council action on the annexation ordinance.

The motion to direct staff to proceed with the Raytheon Annexation District, and to include assurances to Local Lodge #933 that their jobs would not be replaced by TFD, was carried by a voice vote of 6 to 0 (Council Member Leal absent/excused).

Mayor Walkup thanked the team for their work and efforts on this Item.

9. PUBLIC HEARING: FEDERAL TRANSIT ADMINISTRATION SECTION 5307 CAPITAL GRANT APPLICATION FOR FEDERAL FISCAL YEAR 2009

Mayor Walkup announced City Manager's communication number 156, dated March 24, 2009, was received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing for a Federal Transit Administration grant application. He said the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Mayor Walkup asked if there was anyone wishing to speak. There was no one.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused) to close the public hearing.

Mayor Walkup asked the City Clerk to read Resolution 21247 by number and title only.

Resolution No. 21247 relating to transportation; authorizing and approving the execution of a Federal Transit Administration (FTA) Section 5307 Capital Grant Application for Federal Fiscal Year 2009 Grants AZ-90-X101 in the amount of \$4,873,716 and AZ-95-X007 in the amount of \$805,040; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, to pass and adopt Resolution 21247.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Resolution 21247 was declared passed and adopted by a roll call vote of 6 to 0.

10. PUBLIC HEARING: ZONING (C9-00-27) HOUGHTON HOLDING PARTNERSHIP, I-2 TO C-2 (C-1 AUTHORIZED), REACTIVATION, TIME EXTENSION, CHANGE OF CONDITION, AND ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 151, dated March 24, 2009, was received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on a request for reactivation, time extension, and change of conditions on property located at the southeast corner of Houghton Road and Valencia Road. He said the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Mayor Walkup asked if the applicant was present. The applicant was not present.

Mayor Walkup asked if there was anyone wishing to speak. There was no one.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused) to close the public hearing.

Mayor Walkup asked the City Clerk to read Ordinance 10641 by number and title only.

Ordinance No. 10641 relating to zoning: amending zoning district boundaries in the area located at the southeast corner of Houghton and Valencia Roads in Case C9-00-27, Houghton Holding Partnership, I-2 to C-1; and setting an effective date.

It was moved by Council Member Scott, duly seconded, to reactivate the zoning case, approve a thirty-day time extension and pass and adopt Ordinance 10641.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

The motion to reactivate the zoning case, approve a thirty-day time extension and pass and adopt Ordinance 10641 was declared passed and adopted by a roll call vote of 6 to 0.

11. ZONING: (C9-08-17) CHILDREN'S SUCCESS ACADEMY – BILBY ROAD, R-2 TO C-1, CITY MANAGER'S REPORT

Mayor Walkup announced City Manager's communication number 152, dated March 24, 2009, was received into and made a part of the record. He also announced this was a request to rezone property located on the northeast corner of Bilby Road and Morris Boulevard. The Zoning Examiner and staff recommended authorization of the rezoning subject to certain conditions. He asked if the applicant was present, and if they were agreeable to the proposed requirements.

Nancy Aiken, applicant, said she was in agreement with the requirements.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused) to authorize the request for rezoning as recommended by the Zoning Examiner.

12. ZONING: (SE-08-34) AT&T – CAMPBELL AVENUE, C-1 ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 153, dated March 24, 2009, and the Zoning Examiner's report, was received into and made a part of the record. He announced this was a Special Exception Land Use request for property located northeast of the northeast corner of Campbell Avenue and Grant Road. The Zoning Examiner and staff recommended approval subject to certain conditions. He asked if the applicant or representative was present, and if they were agreeable to the proposed requirements.

Steve Olson, applicant, said he was in agreement with the requirements.

Mayor Walkup asked the City Clerk to read Ordinance 10646 by number and title only.

Ordinance No. 10646 relating to zoning; a special exception land use – wireless communications use AT&T – Campbell Avenue; approving with conditions the construction of a wireless communications facility disguised as a palm tree in the C-1 zone – Case SE-08-34; and setting an effective date.

It was moved by Vice Mayor Uhlich, duly seconded, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 10646.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

The motion to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 10646 was declared passed and adopted by a roll call vote of 6 to 0.

13. WATER: ADOPTING TUCSON WATER'S FINANCIAL PLAN FOR FISCAL YEARS 2009 THROUGH 2014

Mayor Walkup announced City Manager's communication number 170, dated March 24, 2009, was received into and made a part of the record. He asked the City Clerk to read Resolution 21255 by number and title only.

Resolution No. 21255 relating to Tucson Water; authorizing and adopting the Tucson Water Financial Plan and Conservation Fund Financial Plan for the period from fiscal year 2009 to fiscal year 2014; and declaring an emergency.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Resolution 21255.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Resolution 21255 was declared passed and adopted by a roll call vote of 6 to 0.

14. WATER: ADOPTION OF THE WATER SYSTEM EQUITY FEE

Mayor Walkup announced City Manager's communication number 162, dated March 24, 2009, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10644 by number and title only.

Ordinance No. 10644 relating to water; amending Chapter 27, Article II, Rates and charges, Section 27-36, System equity, Central Arizona Project, and areas-specific fees; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 10644.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Ordinance 10644 was declared passed and adopted by a roll call vote of 6 to 0.

15. WATER: ADOPTION OF THE CAP WATER RESOURCE FEE

Mayor Walkup announced City Manager's communication number 163, dated March 24, 2009, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10643 by number and title only.

Ordinance No. 10643 relating to water; amending Chapter 27, Article II, Rates and charges, Section 27-36, System equity, Central Arizona Project, and areas-specific fees; and declaring an emergency.

It was moved by Vice Mayor Uhlich, duly seconded, to pass and adopt Ordinance 10643.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Ordinance 10643 was declared passed and adopted by a roll call vote of 6 to 0.

16. TUCSON CODE: AMENDING (CHAPTER 15) ADOPTION OF A PLASTIC BAG RECYCLING ORDINANCE

Mayor Walkup announced City Manager's communication number 164, dated March 24, 2009, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10642 by number and title only.

Ordinance No. 10642 relating to plastic bags; requiring plastic bag recycling by retail establishments; amending Tucson City Code Chapter 15, Article I; adding new Article VII; and setting an effective date.

Mayor Walkup asked if there was any discussion.

Council Member Glassman said if one had ever knocked on a single door in the City, one would know that plastic bags were an issue for many neighbors in the community. These petroleum based products filled the City's landfills. He said he was proud that his Ward 2 Office had distributed over seventy-five hundred, one hundred percent cotton bags to neighbors in order to reduce their use of plastic bags. He said this ordinance was very impressive and led by two of his colleagues, Council Members Trasoff and Uhlich, and he wanted to give the motion to Council Member Trasoff as her office had led the way.

Council Member Trasoff thanked Council Member Glassman, adding she did this with honor, shared with Council Member Uhlich; they both thanked their staff for putting a lot of time and effort into it. She also thanked the representatives who were present that evening. She said she thought it was a good example of cooperative work on finding a way to make things right in a partnership, as opposed to doing so in an adversarial manner. She said it had been a pleasure working with everyone.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Ordinance 10642.

Mayor Walkup asked if there was further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Ordinance 10642 was declared passed and adopted by a roll call vote of 6 to 0.

17. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 146, dated March 24, 2009, was received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Trasoff, duly seconded and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused), to approve the re-appointment of Carl Bedford and Koreen Johannessen to the Pima County-City of Tucson Commission on Addiction, Prevention, and Treatment.

Mayor Walkup asked if there were any personal appointments to be made.

Council Member Scott announced her personal appointment of Kevin Oberg to the Independent Audit & Performance Commission.

18. ADJOURNMENT: 6:56 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, April 7, 2009, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 24th day of March 2009, and hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:tl:jr